

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROSS MACLIN #148084,

Plaintiff,

CIVIL ACTION NO. 12-12480

v.

DISTRICT JUDGE GERSHWIN A. DRAIN

KELLY HOLDEN and
RICHARD CADY,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

**REPORT AND RECOMMENDATION TO STRIKE PLAINTIFF'S REQUEST FOR
PRELIMINARY INJUNCTION (DKT. NO. 40)**

This matter is before the Court on Plaintiff's *pro se* request for preliminary injunction (Dkt. No. 40). Plaintiff says Defendants have possession of his typewriter, typewriter ribbons, headphones, radio, walkman, and clothing. He asks the Court to prohibit Defendants from destroying these items.

After reviewing Plaintiff's request and otherwise being fully advised, Plaintiff's motion should be **STRICKEN**, because he is represented by counsel. 28 U.S.C. § 1654 ("parties may plead and conduct their own cases personally *or* by counsel") (emphasis added). But, Defendants should be reminded of their duty to preserve all relevant evidence for trial.

The parties to this action may object to and seek review of this Report and Recommendation within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The parties are

advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *See McClanahan v. Comm'r Soc. Sec.*, 474 F.3d 830 (6th Cir. 2006); *Frontier*, 454 F.3d at 596-97. Objections are to be filed through the Case Management/Electronic Case Filing (CM/ECF) system or, if an appropriate exception applies, through the Clerk's Office. *See* E.D. Mich. LR 5.1. A copy of any objections is to be served upon this Magistrate Judge but this does not constitute filing. *See* E.D. Mich. LR 72.1(d)(2). Once an objection is filed, a response is due within fourteen (14) days of service, and a reply brief may be filed within seven (7) days of service of the response. *See* E.D. Mich. LR 72.1(d)(3), (4).

s/Mark A. Randon

Mark A. Randon

United States Magistrate Judge

Dated: September 30, 2013

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, September 30, 2013, by electronic and/or ordinary mail.

s/Eddrey Butts

Case Manager to Magistrate Judge Mark A. Randon